

### **REMARKS**

Claims 1-20 are pending. By this amendment, claims 1, 2, 8, 9, 16, and 19 are amended and claims 21-22 are added. No new matter is introduced. Support for the amendments and new claim may be found at least in original claim 2 and page 1, lines 25-28, page 3, lines 12-18, page 3, lines 31-35, and page 6, lines 9-14 of the specification. Reconsideration and issuance of a Notice of Allowance are respectfully requested in view of the preceding amendments and following remarks.

#### **Claim Rejections Under 35 U.S.C. § 102**

On page 2 the Office Action rejects claims 1-6 under 35 U.S.C. § 102 (b) over Unix System Administration of Fiamingo (hereafter Fiamingo). This rejection is respectfully traversed.

Fiamingo describes methods of tuning ordinary kernel tunable parameters in Unix. The kernel tunables of Fiamingo are ordinary kernel tunables that are defined (i.e., created) by an operating system developer for use by a system administrator. In other words, the developer defines (i.e., creates) the tunables in the Unix system and the administrator can set values for the parameters as appropriate. Ordinary kernel tunables and parameters are described in the background section of the present application.

In current systems, tunables are created, and their default values are set by the kernel developer. In these current systems, the computer system end-user, or system administrator, is able to adjust the values assigned to these tunables, but is not able to create new tunables.

See page 1, lines 25-28 of present application. See also, page 3, lines 12-18 of the present application.

Fiamingo does not disclose or suggest user-defined tunables. Fiamingo's ordinary kernel tunables, which are created by a developer, are very different from user-defined tunables, which are defined (i.e., created) by a system administrator who then set values to the parameters. These user-defined tunables do not control any kernel resource directly. One user-defined tunable can be related to another user-defined tunable by way of expressions. User-defined tunables are also used in expressions for other kernel tunables. See page 3, lines 15-18 of the present application.

Claim 1 has been amended to more precisely recite that the ordinary kernel tunables are created by a developer whereas the user-defined tunable is created by a system administrator. These features are described at least at page 3, lines 15-18, page 3, lines 31-35, and page 6, lines

9-14 of the present application. The feature of a user-defined tunable being created by an administrator is recited in original claim 2, which was not addressed in the January 19, 2006 Office Action. Specifically, amended claim 1 recites: “expressions that relate one or more kernel tunables to the user-defined tunable, each of the kernel tunables being created by a developer and the user-defined tunable being created by a system administrator,” (emphasis added). As noted above, Fiamingo does not disclose or suggest user-defined tunables that are created by a system administrator. Accordingly, amended claim 1 is allowable.

Claims 2-6 are allowable at least because they depend from allowable claim 1 and for the additional features they recite.

Withdrawal of the rejection of claims 1-6 under 35 U.S.C. § 102 (b) is respectfully requested.

#### **Claim Rejections Under 35 U.S.C. § 103**

On page 3 the Office Action rejects claim 7 under 35 U.S.C. § 103 (a) over Fiamingo in view of U.S. Patent 6,272,519 to Shearer, Jr. et al. (hereafter Shearer). This rejection is respectfully traversed.

Shearer is directed to a method for dynamic alteration of operating system kernel resource tables. However, similar to Fiamingo, Shearer does not disclose or suggest a user-defined tunable that is created by a system administrator. Accordingly, Shearer does not cure Fiamingo’s defect and does not disclose or suggest all of the elements of amended claim 1.

Claim 7 is allowable at least because it depends from allowable claim 1 and for the additional features it recites.

Withdrawal of the rejection of claim 7 under 35 U.S.C. § 103 (a) is respectfully requested.

On page 4 the Office Action rejects claims 8-9 and 13-15 under 35 U.S.C. § 103 (a) over U.S. Published Application 20030023707 to Ryan (hereafter Ryan). This rejection is respectfully traversed.

Ryan is directed to a system and method for batch tuning intelligent devices. However, like Fiamingo, Ryan does not disclose or suggest a user-defined tunable that is created by a system administrator.

Similar to claim 1, claim 8 has been amended to recite: “kernel configuration tools that read the user-defined tunables from the tunable repository and relate the user-defined tunables to

a kernel tunable in the UNIX<sup>®</sup> operating system, wherein the kernel tunable is created by a developer and the user-defined tunables are created by a system administrator,” (emphasis added). As noted above, Ryan does not disclose or suggest these features. Accordingly, amended claim 8 is allowable.

Claims 9 and 13-15 are allowable at least because they depend from allowable claim 8 and for the additional features they recite.

Withdrawal of the rejection of claims 8-9 and 13-15 under 35 U.S.C. § 103 (a) is respectfully requested.

On page 5 the Office Action rejects claims 10-12 under 35 U.S.C. § 103 (a) over Ryan in view of Fiamingo. This rejection is respectfully traversed.

Claims 10-12 are allowable at least because they depend from allowable claim 8 and for the additional features they recite.

On page 6 the Office Action rejects claims 16-20 under 35 U.S.C. § 103 (a) over Shearer in view of Fiamingo. This rejection is respectfully traversed.

As noted above with respect to claims 1 and 7, Shearer and Fiamingo, individually and in combination, do not disclose or suggest a user-defined tunable that is created by a system administrator.

Similar to claim 1, claim 16 has been amended to recite: “enabling a system administrator to create a user-defined tunable; and using an expression, relating the user-defined tunable to one or more kernel tunables, wherein each of the kernel tunables are created by a developer,” (emphasis added). As noted above, Shearer and Fiamingo, individually and in combination, do not disclose or suggest these features. Accordingly, amended claim 16 is allowable.

Claims 17-18 are allowable at least because they depend from allowable claim 16 and for the additional features they recite.

Regarding claim 19, for the same reason as stated above with respect to claim 16, Shearer and Fiamingo, individually and in combination, do not disclose or suggest “enabling a system administrator to create a user-defined tunable; and using an expression, relating the user-defined tunable to one or more kernel tunables, wherein each of the kernel tunables are created by a developer,” (emphasis added). Therefore, amended claim 19 is allowable.

Claim 20 is allowable at least because it depends from allowable claim 19 and for the additional features it recites.

New claims 21-22 are allowable at least because they depend from allowable claims 1 and 16, respectively, and for the additional features they recite. For example, none of the references disclose or suggest "the user-defined tunable does not control any kernel resource directly," as recited in new claim 21. Similarly, none of the references disclose or suggest "enabling the system administrator to select a flag to initiate creation of the user-defined tunable; and enabling the system administrator to select a save option, the save option being a hold until next boot option," as recited in new claim 22.

In view of the above remarks, Applicant respectfully submits that the application is in condition for allowance. Prompt examination and allowance are respectfully requested.

Should the Examiner believe that anything further is desired in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned representative at the telephone number listed below.

Respectfully submitted,

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Kelly T. Lee  
Registration No. 47,743  
**Andrews Kurth LLP**  
1350 I Street, N.W.  
Suite 1100  
Washington, DC 20005  
Tel. (202) 662-2736  
Fax (202) 662-2739